



Commonwealth
of Massachusetts

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Office of Campaign and Political Finance

One Ashburton Place, Room 411

Boston, MA 02108

Advisory Opinion

January 17, 2006

AO-06-01

Michael Ross
Boston City Councilor
45 ½ Garden Street
Boston, MA 02114

Re: Expenditure for Spanish language immersion program

Dear Councilor Ross:

This letter is in response to your December 16, 2005 request for an advisory opinion regarding the use of campaign funds to pay for your enrollment in a Spanish language immersion program.

You have stated that the district that you represent has a high percentage of Spanish-speaking constituents. You do not speak Spanish. You recently learned of a Spanish language immersion program called *AmeriSpan* that offers language programs in Spanish-speaking countries and pairs participants with host families to supplement course learning with conversational Spanish. The cost of the program that you decided to attend in Puerto Rico during the week of January 9, 2006 is \$665, which covers classes and registration (\$400), housing (\$180) and meals (\$85). You have stated that you will pay personally for all other costs associated with participating in the program, including your airfare and any other costs associated with travel to Puerto Rico.

The classes were scheduled to take place during the morning and early afternoon, Monday through Friday of the week. You anticipated having dinner each of these evenings with your host family.

You are interested in participating in the program so that you may better serve and communicate with your Spanish-speaking constituents, now and in the future, both in daily issues of governing, as well as in connection with present and future political campaigns.

QUESTION

May campaign funds be used to pay for the registration, housing and meal costs associated with your participation in the Spanish immersion program?

ANSWER

Yes. Based upon the information you have provided, your political committee may make the expenditures described. The purpose of attending the program is consistent with your responsibilities as a city councilor and may further your ability to respond to the needs of your constituents. In addition, participation in the program may enhance your political future and standing with Spanish-speaking voters in your district.

DISCUSSION

The campaign finance law states that a political committee such as yours “may receive, pay and expend money or other things of value **for the enhancement of the political future of the candidate** . . . for which the committee was organized so long as such expenditure is not primarily for the candidate's or any other person's **personal use** . . .” The statute specifies that “the term ‘personal use’ shall not include expenses relating to the provision of constituent or legislative services . . .” *See* M.G.L. c. 55, § 6 (emphasis added).

In effect, the statute recognizes that expenditures made to assist in providing constituent or legislative services enhances an incumbent’s political future and, therefore, may be paid for using campaign funds. *See* 970 CMR 2.15, which governs the provision of legislative and constituent services.

It would appear that the proposed expenditure would be intended primarily to enable you to better provide constituent services and to benefit your political future. Therefore, it would comply with the statute.

Any costs associated with staying in Puerto Rico beyond the completion of the program would be considered primarily personal and cannot be reimbursed. In addition, you may not be reimbursed for costs that are otherwise paid, provided or reimbursed by the commonwealth or any other governmental body.” *See* M.G.L. c. 55, § 6. Therefore, your committee may not pay for the cost of meals or lodging to the extent these costs are included in any *per diem* you might otherwise receive from the City for the days in which you participated in the program.

As with all expenditures, candidates and treasurers are responsible for maintaining detailed and accurate records reflecting the amount, date, and purpose of each expenditure made by the candidate and/or the committee in connection with travel, lodging, and other expenses. *See* M.G.L. c. 55, sections 2 and 5.

This opinion is issued solely within the context of the campaign finance law and is provided based on representations in your letter. Please contact this office if you have further questions.

Sincerely,

A handwritten signature in dark ink, reading "Michael J. Sullivan", is written over a horizontal line. The signature is fluid and cursive.

Michael J. Sullivan
Director